

Sampson, Douglas A.

From: Richards, Joshua W. B.
Sent: Sunday, June 18, 2023 9:19 PM
To: Andrew T. Miltenberg; Tara J. Davis
Cc: Sampson, Douglas A.; Stuart Bernstein; Bob Ekstrand; William K. Davis; Mark A. Jones; Alan M. Ruley
Subject: RE: Doe v. Wake: Supplemental Production Deficiency Notice

Andrew,

I had hoped to, thanks, which is why we raised this issue with you all on Thursday and tried to get it resolved before the weekend.

Joshua W. B. Richards

Partner

Pronouns: He/him/his

SAUL EWING LLP | Philadelphia

Office: (215) 972-7737 **Cell:** (917) 679-5223

From: Andrew T. Miltenberg <AMiltenberg@nmllplaw.com>
Sent: Sunday, June 18, 2023 9:15 PM
To: Richards, Joshua W. B. <Joshua.Richards@saul.com>; Tara J. Davis <tdavis@nmllplaw.com>
Cc: Sampson, Douglas A. <Douglas.Sampson@saul.com>; Stuart Bernstein <SBernstein@nmllplaw.com>; Bob Ekstrand <rce@ninthstreetlaw.com>; William K. Davis <wdavis@belldavispitt.com>; Mark A. Jones <mjones@belldavispitt.com>; Alan M. Ruley <aruley@belldavispitt.com>
Subject: Re: Doe v. Wake: Supplemental Production Deficiency Notice

Josh, don't you have a family to spend the day with?



Andrew T. Miltenberg, Partner

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EXHIBIT E

From: Richards, Joshua W. B. <Joshua.Richards@saul.com>

Sent: Sunday, June 18, 2023 4:28:25 PM

To: Tara J. Davis <tdavis@nmlplaw.com>

Cc: Sampson, Douglas A. <Douglas.Sampson@saul.com>; Stuart Bernstein <SBernstein@nmlplaw.com>; Bob Ekstrand <rce@ninthstreetlaw.com>; Andrew T. Miltenberg <AMiltenberg@nmlplaw.com>; William K. Davis <wdavis@belldavisritt.com>; Mark A. Jones <mjones@belldavisritt.com>; Alan M. Ruley <aruley@belldavisritt.com>

Subject: Re: Doe v. Wake: Supplemental Production Deficiency Notice

Tara,

Could you please explain the basis for refusing to produce Plaintiff other than tomorrow? I think you agreed to reproduce him a failure to produce a number of responsive documents, including the incomplete SnapChat data that you've now re-produced. It's now my deposition to notice, I think, so I'm not sure how the timing affects my ability to conclude the deposition based on our stipulation, which didn't set a date certain. It would be helpful to have your position on that by tomorrow at noon so we can include it in our motion if necessary.

If you do not intend to provide the unredacted Snapchat document, I think our meet and confer is concluded. Please confirm that's the case, and we will file the motion.

Thanks very much,

Joshua W. B. Richards
Saul Ewing LLP

Office: 215.972.7737
Mobile: 917.679.5223

I use he/him pronouns

On Jun 18, 2023, at 3:40 PM, Tara J. Davis <tdavis@nmlplaw.com> wrote:

Josh,

Please find attached an updated production, for documents numbered P 2051-2053. This will replace the documents previously identified as P 2051-2069. The attached includes information relevant to Plaintiff's claims in this lawsuit and is responsive to Defendant's request for Plaintiff's Snapchat data dating to September 1, 2021. If you believe this does not resolve the issue, we can meet and confer in the morning. However, we will not agree to continue Plaintiff's deposition to another date unless required by Court order.

Thank you.

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<nmlplnewyork-boston-paloaltologosignature6-30_c3ac7695-26b8-4211-a38e-9d140ac06ab9.jpg>

Tara J. Davis, Partner<<mailto:tdavis@nmlplaw.com>>

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Boston, MA 0<<https://goo.gl/maps/ivfYN6y84vR2>>2110
617.209.2188
Vcard<<http://nmlaw.wpengine.com/wp-content/uploads/2016/11/Tara-J.-Davis.vcf>> • nmlplaw.com<<http://www.nmlplaw.com>>

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From: Richards, Joshua W. B. <Joshua.Richards@saul.com>
Sent: Sunday, June 18, 2023 12:55 PM
To: Tara J. Davis <tdavis@nmlplaw.com>; Sampson, Douglas A. <Douglas.Sampson@saul.com>; Stuart Bernstein <SBernstein@nmlplaw.com>; Bob Ekstrand <rce@ninthstreetlaw.com>; Andrew T. Miltenberg <AMiltenberg@nmlplaw.com>
Cc: William K. Davis <wdavis@belldavisritt.com>; Mark A. Jones <mjones@belldavisritt.com>; Alan M. Ruley <aruley@belldavisritt.com>
Subject: RE: Doe v. Wake: Supplemental Production Deficiency Notice

Tara,

In light of the fact that this issue is not resolved, we're going to continue Doe's deposition. We'll send you a new notice once the issue is resolved. Let's use the 9:30 slot tomorrow to meet and confer with respect to the SnapChat redactions. In light of the limited time left before the 30th, we're going to aim to have a motion on file by EOD tomorrow and ask Judge Bell for an expedited ruling if we're not able to resolve the issue tomorrow morning.

Thanks very much,

Joshua W. B. Richards

Partner

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From: Richards, Joshua W. B.

Sent: Friday, June 16, 2023 9:00 PM

To: 'Tara J. Davis' <tdavis@nmlplaw.com<<mailto:tdavis@nmlplaw.com>>>; Sampson, Douglas A.

<douglas.sampson@saull.com<<mailto:douglas.sampson@saull.com>>>; Stuart Bernstein

<SBernstein@nmlplaw.com<<mailto:SBernstein@nmlplaw.com>>>; Bob Ekstrand

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Cc: William K. Davis <wdavis@belldavis-pitt.com<<mailto:wdavis@belldavis-pitt.com>>>; Mark A. Jones

<mjones@belldavis-pitt.com<<mailto:mjones@belldavis-pitt.com>>>; Alan M. Ruley

<aruley@belldavis-pitt.com<<mailto:aruley@belldavis-pitt.com>>>

Subject: RE: Doe v. Wake: Supplemental Production Deficiency Notice

Tara,

I'm not aware of a rule that permits individual records to be redacted for responsiveness or relevance. Certainly we did not redact for responsiveness or relevance in our production, most obviously in the table of prior cases. Please provide authority for your position that you may do so here, or provide the unredacted record.

Joshua W. B. Richards

Partner

Pronouns:

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|

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From: Tara J. Davis <tdavis@nmllplaw.com<<mailto:tdavis@nmllplaw.com>>>

Sent: Friday, June 16, 2023 12:27 PM

To: Sampson, Douglas A. <Douglas.Sampson@saull.com<<mailto:Douglas.Sampson@saull.com>>>; Stuart Bernstein <SBernstein@nmllplaw.com<<mailto:SBernstein@nmllplaw.com>>>; Bob Ekstrand <rce@ninthstreetlaw.com<<mailto:rce@ninthstreetlaw.com>>>; Andrew T. Miltenberg <AMiltenberg@nmllplaw.com<<mailto:AMiltenberg@nmllplaw.com>>>

Cc: Richards, Joshua W. B. <Joshua.Richards@saull.com<<mailto:Joshua.Richards@saull.com>>>; William K. Davis <wdavis@belldavispitt.com<<mailto:wdavis@belldavispitt.com>>>; Mark A. Jones <mjones@belldavispitt.com<<mailto:mjones@belldavispitt.com>>>; Alan M. Ruley <aruley@belldavispitt.com<<mailto:aruley@belldavispitt.com>>>

Subject: RE: Doe v. Wake: Supplemental Production Deficiency Notice

****EXTERNAL EMAIL**** - This message originates from outside our Firm. Please consider carefully before responding or clicking links/attachments.

Doug,

Defendant's initial request for production requested Plaintiff's social media data, including Snapchat, to which Plaintiff has access or from which he has posted since September 1, 2021. The unredacted messages in the documents bates stamped P0002051-P0002069 are the only messages that appear in his Snapchat history which show any exchange with Jane Roe and/or are related in any way to the allegations at issue in this case. The two messages he exchanged with [Student] appear in the production. This is consistent with the Plaintiff's testimony, wherein he stated that the only person he could recall messaging with on Snapchat regarding the case was [Student]. Further, it appears that the two messages visible in Plaintiff's recent production are the only ones exchanged between Plaintiff and Jane Roe that have been maintained by Snapchat. (See When does Snapchat delete Snaps and Chats? – Snapchat Support<<https://help.snapchat.com/hc/en-us/articles/7012334940948>> for information regarding what type of information is retained by the app.) The remainder of the Snapchat data obtained by Plaintiff includes information that is wholly unrelated to this matter, dating back to 2015. Accordingly, we stand by our previous objections to this request as well as the appropriateness of the production. If you would like to discuss further, please let me know.

Thank you.

<<http://www.nmllplaw.com/>>
<image001.jpg>

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From: Sampson, Douglas A. <Douglas.Sampson@saull.com<<mailto:Douglas.Sampson@saull.com>>>

Sent: Thursday, June 15, 2023 9:47 PM

To: Tara J. Davis <tdavis@nmllplaw.com<<mailto:tdavis@nmllplaw.com>>>; Stuart Bernstein

<SBernstein@nmllplaw.com<<mailto:SBernstein@nmllplaw.com>>>; Bob Ekstrand

<rce@ninthstreetlaw.com<<mailto:rce@ninthstreetlaw.com>>>; Andrew T. Miltenberg

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Cc: Richards, Joshua W. B. <Joshua.Richards@saull.com<<mailto:Joshua.Richards@saull.com>>>; William K. Davis

<wdavis@belldavispiatt.com<<mailto:wdavis@belldavispiatt.com>>>; Mark A. Jones

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Subject: Doe v. Wake: Supplemental Production Deficiency Notice

Tara,

Thank you for the supplemental productions. We have reviewed the additional documents produced by Plaintiff, and have a concern. Plaintiff's SnapChat history (P0002051-P0002069) was heavily redacted to the point it is not useable. Plaintiff stated at his deposition that he used SnapChat to talk about things related to this case. Further, Plaintiff indicated a significant SnapChat history between himself and [Jane] in interviews with Jessica Telligman during the Title IX investigation. Yet, there are only three total messages not redacted from the lengthy document. There is only one text shown from [Jane], which appears as she may be answering a question- which is not visible. Please provide an unredacted copy of the SnapChat record immediately so that we may review it prior to Plaintiff's continued deposition, which remained open specifically to address documents not previously produced -- including this SnapChat record. We would prefer to resolve this quickly to avoid the cost and inconvenience of having to reschedule Plaintiff's deposition while we resolve this issue. Please provide an updated version of P0002051-P0002069 by end of day Friday.

Thank you,
Doug

<image002.png>

Douglas A. Sampson

Associate

<image003.png>

(410) 332-8661<[tel:\(410\)%20332-8661](tel:(410)%20332-8661)>

<image004.png>

Douglas.Sampson@saul.com<<mailto:Douglas.Sampson@saul.com>>

Read my bio<<https://www.saul.com/professionals/douglas-sampson>>

>>

<<https://www.saul.com/>>

<image005.png>

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"Saul Ewing LLP (saul.com)" has made the following annotations:

+~~~~~+

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